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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,726	10/19/2001	Edward J. Shoen	57111-5120	3972

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EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,726

Applicant(s)

SHOEN ET AL.

Examiner

Robert M. Pond

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Applicant amended Claims 16 and 17. All pending claims (1-21) were examined in this final Office Action.

Response to Arguments

Draftperson's Objection to Drawings

The Applicant failed to make corrections as requested to the drawings.
Please take appropriate actions to correct drawings.

Specification

The Applicant failed to make corrections as requested to the Abstract. *Please take appropriate actions to correct drawings.*

Rejection under 102(b)

Applicant's arguments filed 20 October 2004 have been fully considered but they are not persuasive. The Applicant argues:

Homestore.com does not provide the transactional relationship between the

first transaction and the second transaction: Homestore.com discloses

Homestore.com and moving processes, and further discloses iMove.com

automating the moving process online (please note: more than a pass

through portal), whereby all moving companies operate under a common set

of policies and procedures. Homestore.com discloses processing bids (a first transaction) and purchasing moving services (secondary transaction).

Rejection under 35 USC 103(a)

Applicant's arguments filed 20 October 2004 have been fully considered but they are not persuasive. The Applicant argues:

- The Applicant relies upon arguments as noted above: The Examiner respectfully disagrees with the Applicant for the reasons noted above. Shkedy provides teachings pertinent to escrow account administration in an online purchasing situation that is relevant to the instant application.
- Payment data, job data, and vendor data: Homestore.com and Shkedy teach credit card payment data, data that describes the type of services performed (job), and other vendor data as cited (e.g. release authorization code).

Official Notice

The Applicant did not traverse the examiner's assertion of official notice. The common knowledge or well-known in the art statement is taken to be admitted prior art because applicant failed to traverse or adequately traverse the examiner's assertion of official notice (MPEP 2144.03(C)).

Specification

1. The abstract of the disclosure is objected to because the Abstract exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-5, 10, and 18-19 are rejected under 35 USC 102(b) as being anticipated by Homestore.com (a collection of prior art regarding Homestore.com cited in Paper #8, PTO-892, Items: U-V).**

Homestore.com teaches all the limitations of Claims 1-5, 10, and 18-19. For example, Homestore.com discloses methods of a web marketplace (www.homestore.com) for consumers to access and purchase self-moving services online. Homestore.com further discloses:

- *Process an originating transaction:* rent a truck (Item: U, see page 3); answering questions (e.g. personal, house, and destination) online to receive competitive bids (please note examiner's interpretation: the consumer is in control of the purchasing process by having moving services bid for business) (Item: V, page 2).

- Accessing content describing an auxiliary service: moving services (Item: U, page 3)
- Processing a secondary transaction for the auxiliary service (accepting payment): purchasing moving services directly over the Internet; booking moving services online with a credit card (Item: V, page 2).
- Online advertising: e.g. Ryder Save 10% advertisement (Item: U, page 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 6-9 are rejected under 35 USC 103(a) as being unpatentable over Homestore.com (a collection of prior art regarding Homestore.com cited in Paper #8, PTO-892, Items: U-V), in view of Official Notice (Paper #8, regarding moving services).**

Homestore.com teaches all the above as noted under the 102(b) rejection and teaches a renter's resources checklist for movers, but do not disclose specific items on the checklist. This examiner takes the position that it is old and well-known to one of ordinary skill to ascertain the need for services associated with the current location (e.g. garbage removal, painting, carpet cleaning,

landscaping for house or apartment, packing/unpacking, loading/unloading services) and services associated with the destination (e.g. reserving a hotel if new residence not available upon arrival). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to disclose services in the mover's checklist as taught by Official Notice, in order to provide additional convenience to consumers, and thereby attract consumers to the service.

4. **Claims 11, 15-17, and 20-21 are rejected under 35 USC 103(a) as being unpatentable over Homestore.com (a collection of prior art regarding Homestore.com cited in Paper #8, PTO-892, Items: U-V), in view of Shkedy (Paper #8, patent number 6,260,024).**

Homestore.com teaches methods of a web marketplace (www.homestore.com) for consumers to access and purchase self-moving services online. Homestore.com further teaches:

- Process an originating transaction: rent a truck (Item: U, see page 3); answering questions (e.g. personal, house, and destination) online to receive competitive bids (please note examiner's interpretation: the consumer is in control of the purchasing process by having moving services bid for business) (Item: V, page 2).
- Accessing content describing an auxiliary service: moving services (Item: U, page 3)

- Processing a secondary transaction for the auxiliary service (accepting payment): purchasing moving services directly over the Internet; booking moving services online with a credit card (Item: V, page 2).
- Online advertising: e.g. Ryder Save 10% advertisement (Item: U, page 3).
- Multiple Services: e.g. rent a truck online, save 10% or more with Ryder TRS truck rental, find a perfect job, store possessions before or after you move (Item: U, page 3).

Consumer Escrow Account; Administration

Homestore.com teaches all the above as noted under the 103(a) rejection and further teaches a) Homestore.com acquiring iMove.com, and b) iMove.com aspiring to automate the moving process in much the same way that airlines have adopted technology to expedite reservations (Item: V, page 2), but do not disclose an escrow service with a first account. Shkedy teaches a buyer-driven method of purchasing goods or services (e.g. airline tickets, hotel rooms) through an administrator acting on behalf of sellers (see at least abstract; Fig. 1(16, 220); col. 3, lines 39-57; col. 13, lines 20-23). Shkedy teaches an online payment system that involves the use of an escrow account associated with the consumer (first account) wherein funds advanced by the consumer to cover a purchase can be kept pending delivery by the selected seller, wherein timing of the payment to selected seller's account can be varied (see at least Fig. 2 (299); col. 6, lines 58-63; col. 11, lines 18-20). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Homestore.com to

provide an escrow account for the consumer as taught by Shkedy, in order to withhold consumer payment to the seller until goods or services are rendered, and thereby attract consumers to the service desiring to minimize purchase risk.

Releasing funds to seller using a confirmation number; Administration

Homestore.com teaches all the above as noted under the 103(a) rejection but does not disclose a confirmation number to activate the transfer of funds. Shkedy teaches all the above as noted under the 103(a) rejection and further teaches the administrator issuing a confirmation number confirming completed transactions resulting in the release of funds to the seller's account (see at least col. 10, lines 47-52; col. 20, lines 10-20). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Homestore.com to release funds to the seller using a confirmation number as taught by Shkedy, in order to accurately process the seller's request, and thereby attract sellers to the service.

Pertaining to system Claims 20-21

Shkedy teaches computer processors and computer readable memory (see at least Fig. 2 (205, 215, 220, 230, 240, 250)) and are rejected based on the same rationale as noted above.

- 5. Claims 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Homestore.com (a collection of prior art regarding Homestore.com cited in Paper #8, PTO-892, Items: U-V) and Shkedy (Paper**

#8, patent number 6,260,024), as applied to Claim 11, further in view of PR Newswire (Paper #8, PTO-892, Item: W).

Homestore.com and Shkedy teach all the above as noted under the 103(a) rejection, but do not disclose conducting a survey with customers. PR Newswire teaches Travelscape.com earning top marks from BizRate.com who surveyed customers purchasing from Travelscape.com's web site. Feedback from customers comprised ten attributes including making reservations, travel planning, and prices (Item: W, see pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to conduct surveys as taught by PR Newswire, in order to ascertain on-going requirements for improvement based on survey results, and thereby attract consumers and sellers to the service.

- 6. Claim 14 is rejected under 35 USC 103(a) as being unpatentable over Homestore.com (a collection of prior art regarding Homestore.com cited in Paper #8, PTO-892, Items: U-V) and Shkedy (Paper #8, patent number 6,260,024), as applied to Claim 11, further in view of Official Notice (Paper #8, regarding moving services).**

Homestore.com and Shkedy teach all the above as noted under the 103(a) rejection and teach a renter's resources checklist for movers, but do not disclose specific items on the checklist. This examiner takes the position that it is old and well-known to one of ordinary skill to ascertain the need for services associated

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with the current location (e.g. garbage removal, painting, carpet cleaning, landscaping for house or apartment, packing/unpacking, loading/unloading services) and services associated with the destination (e.g. reserving a hotel if new residence not available upon arrival). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to disclose services in the mover's checklist as taught by Official Notice, in order to provide additional convenience for the consumer, and thereby attract consumers to the service.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451
Crystal Drive, Arlington, VA, 7th floor receptionist.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', is positioned above the printed name and title.

Robert M. Pond
Primary Patent Examiner
January 10, 2005